

DURHAM CITY COUNCIL WORK SESSION
THURSDAY, OCTOBER 4, 2007 – 1:00 p.m.
Committee Room – 2nd Floor – City Hall

Present: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Absent: None.

**SUBJECT: CAPITAL PROJECT ORDINANCE AMENDMENT TO
REALLOCATE FUNDING FROM THE DURHAM ARMORY
PROJECT TO THE DURHAM ARTS COUNCIL PROJECT –
SKANSKA BUILDING USA**

Mayor Pro Tempore Cole-McFadden wanted to make certain that ADA funds allocated for this project were not utilized for other activities.

The administration requested the council to allow them to postpone bond-funded renovations of the Durham Armory and use the money to help pay for renovations at the Durham Arts Council. It was noted the construction market made it difficult to fully fund both projects with the money available from the 2005 bond package.

Discussion held on the possible completion date for Armory; source of funds thru CIP; projects that might be in jeopardy, reporting mechanism to citizens regarding CIP projects.

Several members of council were concerned with organizations that rely on the use of the Durham Armory and the delay in renovating this facility.

City Manager Baker stated he would make certain citizens are aware of the delay of the Durham Armory renovations and will report back to council.

The administration stated bids will expire in five days and council action was needed on this item today.

Several members of council expressed concern with voting on items at work sessions which did not give the public an opportunity to be heard on such matters. They stated they would have liked to have more time to give this item consideration, as well as the public being aware of this situation.

The administration referenced consequences of not approving the item today.

Rhonda Parker, Director of Parks & Recreation, stated she would contact the organizations that use the Durham Armory and make them aware of the delay in renovating this facility. Also, Ms. Parker referenced other facilities that can be utilized in the city.

A motion was made by Council Member Woodard seconded by Council Member Brown to suspend the rules and take action on the above-mentioned item was approved at 1:58 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent At Time of Vote: Mayor Bell.

MOTION by Council Member Woodard seconded by Council Member Brown to adopt an Ordinance Amending the General Capital Improvement Project Ordinance, Fiscal year 2007-2008, the same being Ordinance #13428 for the purpose of decreasing the appropriation for the Armory Upgrade and increasing the total appropriation for the Durham Arts Council by \$715,247.00; and

To approve a change order to the contract for construction services between the City and Skanska Building USA to include Alternates 2,3,5,6,8 and 10, and increase the total value of the contract from \$1,329,592.00 to \$2,177,918.00; and

To increase the project contingency from \$80,388.00 to \$130,675.00; and

To authorize the City Manager to approve changes to this contract so long as the total amount of the contract does not exceed \$2,308,593.00 was approved at 2:01 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti and Woodard. Noes: Council Members Clement and Stith. Absent At Time of Vote: Mayor Bell.

Ordinance #13490

**SUBJECT: PROPOSED SALE OF SURPLUS PROPERTIES AT 218 N.
DILLARD STREET, 410-426 N. ROXBORO STREET AND 308
ELLIOTT 308 ELLIOTT STREET, CITY TRACT #1620 AND 1621**

To authorize the sale of 218 N. Dillard Street (Parcel 110532); 426 N. Roxboro Street (Parcel 110544); 422 N. Roxboro Street (Parcel 110545); 420 N. Roxboro Street (Parcel 110546); 418 N. Roxboro Street (Parcel 110547); 416 N. Roxboro Street (Parcel 110548); 414 N. Roxboro Street (Parcel 110549); 412 N. Roxboro Street (Parcel 110550); 410 N. Roxboro Street (Parcel 110551); and 308 Elliott Street (Parcel 110543) through the upset bid procedure, North Carolina G.S. 160A – 269;

To propose to accept the offer of \$61,500.00 from Susana L. Dancy & J. Scott Harmon to purchase 218 N. Dillard Street and advertise for upset bids;

If no qualifying upset bids are received, to accept the offer from Susana L. Dancy & J. Scott Harmon; and

To authorize the City Manager to sell and the Mayor to convey the property by a non-warranty deed to Susana L. Dancy & J. Scott Harmon;

To propose to accept the offer of \$97,500.00 from Susana L. Dancy & J. Scott Harmon to purchase the property at 426 N. Roxboro Street (Parcel 110544); 422 N. Roxboro Street (Parcel 110545); 420 N. Roxboro Street (Parcel 110546); 418 N. Roxboro Street (Parcel 110547); 416 N. Roxboro Street (Parcel 110548); 414 N. Roxboro Street (Parcel 110549); 412 N. Roxboro Street (Parcel 110550); 410 N. Roxboro Street (Parcel 110551); and 308 Elliott Street (Parcel 110543) and advertise for upset bids;

If no qualifying upset bids are received, to accept the offer from Susana L. Dancy & J. Scott Harmon; and

To authorize the City Manager to sell and the Mayor to convey the properties by a non-warranty deed to Susana L. Dancy & J. Scott Harmon.

Deputy City Manager Wanda Page provided background information on these properties and asked the council to allow the administration to proceed with the process as outlined in the agenda item.

Council Member Catotti expressed concern with the dollar amount of bids vs. what the properties appraised for.

A motion was made by Council Member Woodard seconded by Council Member Brown to suspend the rules and take action on the above-mentioned item was approved at 2:09 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Stith and Woodard. Noes: Council Member Clement. Absent At Time of Vote: Mayor Bell.

Deputy City Manager Wanda Page commented on the notification process regarding this item.

Due to concerns raised by the Council Member Catotti, the following amendment was offered by City Attorney Blinder as follows: Strike paragraphs 3; 4; 6; and 7 and replace with the following wording: once no further qualifying upset bids are received, to bring the matter back to council for a decision on whether to accept the offers and sell the properties.

MOTION by Council Member Catotti seconded by Council Member Woodard to authorize the sale of 218 N. Dillard Street (Parcel 110532); 426 N. Roxboro Street (Parcel 110544); 422 N. Roxboro Street (Parcel 110545); 420 N. Roxboro Street (Parcel 110546); 418 N. Roxboro Street (Parcel 110547); 416 N. Roxboro Street (Parcel 110548); 414 N. Roxboro Street (Parcel 110549); 412 N. Roxboro Street (Parcel 110550); 410 N. Roxboro Street (Parcel 110551); and 308 Elliott Street (Parcel 110543) through the upset bid procedure, North Carolina G.S. 160A – 269;

To propose to accept the offer of \$61,500.00 from Susana L. Dancy & J. Scott Harmon to purchase 218 N. Dillard Street and advertise for upset bids;

To propose to accept the offer of \$97,500.00 from Susana L. Dancy & J. Scott Harmon to purchase the property at 426 N. Roxboro Street (Parcel 110544); 422 N. Roxboro Street (Parcel 110545); 420 N. Roxboro Street (Parcel 110546); 418 N. Roxboro Street (Parcel 110547); 416 N. Roxboro Street (Parcel 110548); 414 N. Roxboro Street (Parcel 110549); 412 N. Roxboro Street (Parcel 110550); 410 N. Roxboro Street (Parcel 110551); and 308 Elliott Street (Parcel 110543) and advertise for upset bids; and

Once no further qualifying upset bids are received, to bring the matter back to council for a decision on whether to accept the offers and sell the properties was approved at 2:26 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None.

D. Ann Gray, CMC
City Clerk